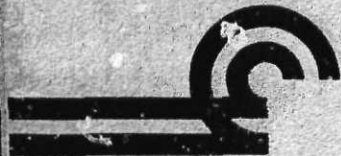


CONRAIL



ENTERED  
Office of the Secretary  
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☐ Part of Public Record *B*



October 20, 1987

PUROLATOR

Ms. Noreta R. McGee  
Secretary  
Interstate Commerce Commission  
Room B-213  
12th and Constitution Avenues, NW  
Washington, DC 20423

RE: Proposed Abandonment by Consolidated Rail  
Corporation of the Lockport Running Track  
in Niagara County, New York --  
Docket No. AB 167 (Sub No. 1087X)

Dear Secretary McGee:

Enclosed for filing with the Commission are the original  
and six copies of the Notice of Exemption in reference to the  
above-described abandonment, which is submitted pursuant to  
49 C.F.R. 1152, Subpart F.

Please stamp and return the enclosed extra copy of this  
letter to acknowledge receipt.

~~Also enclosed is a check for the filing fee of \$650.00.~~ *stet*

Very truly yours,

*Lilton R. Taliaferro, Jr.*

Lilton R. Taliaferro, Jr.  
Attorney  
1138 Six Penn Center Plaza  
Philadelphia, PA 19103-2959  
(215) 977-1426

LRT/mt

Enclosures

October 20, 1987  
Page 2

cc: Mr. Reginald Gilliam  
New York Department of  
Transportation  
Freight Division  
Campus Building #5  
Albany, New York 12232

New York Department of  
Public Services  
Agency Building 3  
Empire State Plaza  
Albany, New York 12273

Office of Proceedings  
Interstate Commerce Commission ✓  
12th and Constitution Avenue, NW  
Washington, DC 20423

Military Traffic Management  
Command  
ATTENTION: MT-SA  
5611 Columbia Pike  
Room 720  
Falls Church, VA 22041-5050



BEFORE THE  
INTERSTATE COMMERCE COMMISSION



PROPOSED ABANDONMENT BY : DOCKET AB 167  
CONSOLIDATED RAIL CORPORATION :  
OF THE LOCKPORT RUNNING TRACK :  
IN NIAGARA COUNTY, NEW YORK : (SUB NO. 1087X)

NOTICE OF EXEMPTION

TO THE INTERSTATE COMMERCE COMMISSION, WASHINGTON, DC:

Consolidated Rail Corporation ("Conrail") hereby serves notice of its intention to abandon the line of railroad described below and be relieved of its common carrier obligations with respect to said line. A map showing the location of the line and more specifically describing the portion to be abandoned is attached hereto.

Name: Lockport Running Track in  
Pendleton, Niagara County, New York

Termini of Abandonment:

From Milepost 17.5 to Milepost 24.5.

Length: 7.0 mile

This notice is submitted pursuant to 49 C.F.R. §1152, Subpart F. Conrail further represents as follows:

1. Conrail certifies that (a) no local or overhead traffic has moved over the line for at least two years, and (b) no formal complaint, filed by a user of rail service on the line (or a state or local government entity acting on

behalf of such user) regarding cessation of service over the line, either is pending before the Commission or any court of law or has been decided in favor of a complainant within the last two years.

2. Conrail acknowledges that its right to abandon the above-described line under the regulations referred to above is subject to the employee protective provisions of Oregon Short Line Railroad Co. Abandonment, 360 ICC 91 (1979).

3. Conrail proposes to consummate the abandonment, commencing with the making of necessary tariff changes (if any), on or after December 11, 1987.

4. Conrail is a common carrier by railroad subject to Subtitle IV of Title 49, United States Code. The line proposed for abandonment is owned and operated by Conrail as part of the Company's fifteen-state railroad system.

5. Correspondence relating to this matter should be addressed to Lilton R. Taliaferro, Jr., Attorney, Consolidated Rail Corporation, Room 113., Six Penn Center Plaza, Philadelphia, PA 19103-2959.



6. Abandonment of the Lockport Running Track will permit the Town of Pendleton to remove the track from rail-highway crossings on the line, to improve the grades of these crossings, and to undertake certain other highway improvements that will enhance public safety. In the opinion of Conrail's management, the line to be abandoned is not suitable for any other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation, within the meaning of C.F.R. Section 1152.22(e)(5).

7. Counsel for Conrail certifies that the notice requirements of 49 C.F.R. Sections 1152.50(d) and 1105.11 have been complied with. The notice requirement by 49 C.F.R. §1105.7 is attached.

Dated: October 21, 1987

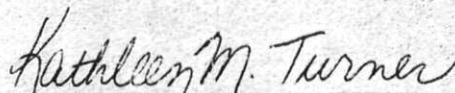
VERIFICATION

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF PHILADELPHIA :

JOHN F. BETAK makes oath and says that he is Assistant Vice President, Industrial and Market Development of Consolidated Rail Corporation; that he has been authorized by proper corporate action on the part of said petitioner to verify and file with the Interstate Commerce Commission the foregoing Notice of Exemption; that he has general knowledge of the facts and matters relied upon in such Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.

  
JOHN F. BETAK

Sworn to and Subscribed :  
Before Me This 20th Day :  
of October , 1987. :

  
Notary Public

Kathleen M. Turner, Notary Public  
Philadelphia, Philadelphia County  
My Commission Expires Aug. 19, 1991



Consolidated Rail Corporation  
Proposed Abandonment

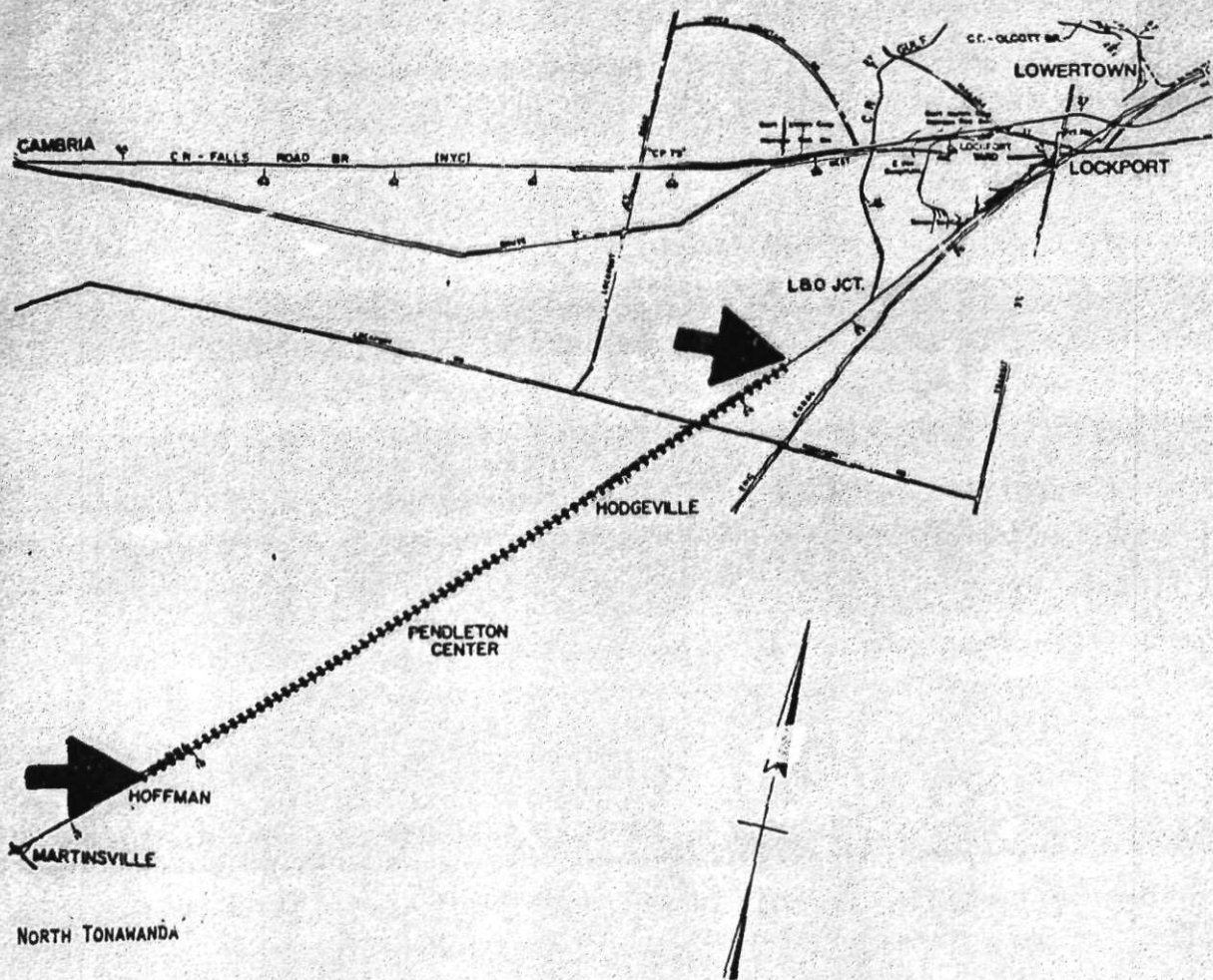
Docket AB-167  
Sub No. 1087 X

**EXHIBIT A  
LOCATION AND MAP**

**LOCKPORT RUNNING TRACK**

North Tonawanda - 875'± southwest of the west side of  
Townline Road (Approx. M.P. 17.5±) to  
Lockport - 1174'± northeast of the east side of  
Murphy Road Crossing (Approx. 24.5±)

State(s): NY Counties: Niagara Approx. Length  
7 Miles ±



## ENVIRONMENTAL IMPACT REPORT

Pursuant to 49 C.F.R. §1105.7

Counsel for Conrail submits the following statements based on (1) on-site inspections by members of Conrail's Engineering and Real Estate Departments of the subject line and adjacent areas, (2) information acquired in connection with the preparation of this Notice and/or, (3) the sources of information or premises referred to in the answers to the questions.

1. Alternatives. Have alternatives to the proposed action (e.g. no action or partial approval) been considered? If so, summarize the major environmental impacts associated with each alternative.

1. There are no alternatives to the proposed abandonment that would allow the Town of Pendleton to make desired roadway improvements at crossings on the line. The Town desires to reduce the grade of the roads at the crossings, which the Town indicates has been a source of safety problems for motorists.

2. Transportation system. (i) Will existing regional or local transportation systems or patterns be substantially affected? If so, describe the effects. (ii) Will traffic (passengers or freight) be diverted to other transportation modes or systems? If so, quantify the extent of expected diversion.



2. (i) Because no local freight service has been provided over the subject line in at least two years, the proposed abandonment will not affect regional or local transportation systems or patterns.

(ii) For the reasons stated in (i) above, no diversion to other transportation modes or systems will be required as a result of the proposed abandonment.

3. Land use. (i) Is the proposed action consistent with regional and/or local land use plans (Local and/or regional planning agencies should be consulted in this regard)? If not, describe any inconsistency. (ii) Is a designated Coastal Zone Management area involved? If so, is the proposed action consistent with the affected State's Coastal Zone Management program? (iii) Are designated wetlands or 100-year flood plains affected? If so, describe the effects. (iv) Are prime agricultural lands, as designated by the Soil Conservation Service, affected? If so, describe the effects.

3. (i) Because the proposed abandonment has been requested by the Town of Pendleton, Conrail assumes that it is consistent with regional and local land use plans.

(ii) A designated Coastal Zone Management area is not involved in the proposed abandonment.

(iii) The proposed abandonment will have little, if any, effect on wetlands or 100-year flood plains located in the area of the abandonment.

(iv) After conferring with the Niagara County Soil Conservation Department, Conrail anticipates that the proposed abandonment will have little, if any, effect on prime agricultural lands located in the area of the abandonment.

4. Energy. (1) Will the development of transportation of energy resources be affected? If so, describe the effects. (ii) Will the movement and/or recovery of recyclable commodities be affected? If so, describe the effects. (iii) Will the proposed action cause diversion of traffic from rail to motor carriers in excess of (A) 1,000 rail carloads per year or (B) an average of 50 rail carloads per mile per year for all or any part of an affected rail line? If so, quantify the net change in energy consumption as a result of diversion, providing commodity, tonnage, and carload data by station where only part of an affected rail line is involved.

4. (i) To the best of Conrail's knowledge, the development of transportation of energy resources will not be affected by the proposed abandonment.

(ii) Based on the premise stated in response to item (2) above, the movement and/or recovery of recyclable commodities will not be affected by the proposed abandonment.

(iii) For the reasons referred to in the response to 4(ii), no diversion of traffic will result from the proposed abandonment.

5. Air. Will the proposed action result in (i) a minimum increase in rail traffic of 50 percent or three trains per day on an affected rail line, (ii) an increase in rail



yard activity of 20 percent as measured in carload activity or (iii) an increase in motor carrier traffic of either 50 vehicles per day or an increase in truck traffic exceeding 10 percent of the average daily traffic on a given highway segment? If any of the enumerated thresholds is exceeded, quantify the anticipated increase in air emissions. If a class I or non-attainment area is affected, are increased emissions within parameters of the affected State Implementation Plan?

5. For the reason stated in response to item (2), there will be no increase in rail or motor traffic that results from the proposed abandonment.

6. Noise. If any of the thresholds identified in item (5) is surpassed, will the proposed action cause an increase in noise levels exceeding either (i) a four decibel incremental increase or (ii) 65 decibels (Utilize the Leg method or its equivalent in Ldn. See. e.g., U.S. Environmental Protection Agency, Protective Noise Levels (Nov. 1978))? If so, are sensitive receptors (e.g., schools, libraries, and hospitals) in the affected area? If so, how much above existing or ambient conditions will noise increase for sensitive receptors?

6. Inapplicable because the thresholds identified in item (5) above will not be surpassed.

7. Safety. Will public health or safety (including vehicle delay time at railroad grade crossings) be affected? If so, describe the effects.

7. The proposed abandonment will permit the removal by the Town of Pendleton of eight crossings on the subject line. Consequently, vehicle delay time will be eliminated at the location of each crossing once they are removed. Road

improvements planned by the Town in the area of the crossings are expected to enhance safe automobile operations.

8. Wildlife. (i) Will endangered or threatened species be affected or will critical habitats be destroyed or modified (usually considered only in the context of construction and abandonment proceedings for which applicant should consult with the Fish and Wildlife Service or the Marine Fisheries Service)? If so, describe the effects. (ii) Will wildlife sanctuaries or refuges, National or State parks or forests be affected? If so, identify each affected site and describe the impacts.

8. (i) The proposed abandonment will not, to the best of our knowledge, destroy or modify critical habitats or impact endangered or threatened species.

(ii) No wildlife sanctuaries or refuges, National or State parks, or forests will be affected. The subject line bisects a private hunting reserve, the Tonawandas Sportsman Club; however, wildlife therein will not be affected by the proposed action.

9. Water. (i) Is the proposed action consistent with applicable Federal, State and/or local water quality standards (usually considered only in the context of rail line construction applications and abandonments which will require in-stream salvage operations)? If not, describe any inconsistency. (ii) Will permits under sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344) be required? If so, have permits been sought or issued?



9. (i) The proposed abandonment will not require in-stream salvage operations or dredging and, to the best of our knowledge, is consistent with applicable Federal State and/or Local water quality standards.

(ii) No permits will be required under the Federal Water Pollution Act by the proposed abandonment.

10. Historic. (i) Are sites or structures listed in the National Register of Historic Places affected? If so, describe the effects. (ii) Will sites or structures 50 years old or older be affected? If so, and such sites or structures are not listed in the National Register of Historic Places, applicant would submit, at the earliest possible juncture, a description of the line, including a map, as well as photographs and descriptions of such structures to the appropriate State Historic Preservation Office for review, and include a copy of the cover letter in the Environmental Report. (iii) Will culturally significant locations, archaeological sites, or unique land forms be affected (usually considered only in the context of rail line construction applications)? If so, applicant should consult with the involved State Historic Preservation Office.

10. (i) There are no sites or structures listed in the National Register of Historic Places that are located in the area of the proposed abandonment.

(ii) To the best of our knowledge, there are no sites and structures 50 years old or older located in the area of the proposed abandonment.

(iii) There are no culturally significant locations, archaeological sites, or unique land forms in the area of the proposed abandonment that will be affected, to the best of our knowledge.

11. Additional reporting requirements for rail line construction cases only.

11. Inapplicable.